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Class Action Group Of The Year: Hagens Berman

By **Donald Morrison**

Law360 (February 9, 2023, 2:03 PM EST) -- Hagens Berman Sobol Shapiro LLP led settlements worth nearly \$85 million for poultry workers this past year over allegations that Cargill Meat Solutions, Sanderson Farms and Wayne Farms conspired to depress their wages, earning the firm a spot among **Law360's 2022 Class Action Groups of the Year**.



The plaintiffs firm, which said it has 95% of first-year attorneys currently working on class actions, had a significant number of yearslong cases come to an end in 2022. The firm is also working on antitrust efforts against "every protein made in the U.S., whether it's chicken, pork, turkey or red meat," firm co-founder Steve Berman told Law360.

"We're also leading the antitrust attack on the setting of real estate commissions. So if you look at what we're doing, we're representing

Americans in the food they eat and the houses they buy. I mean, how much more important does it get than that?" he said.

Workers in 2019 had accused the poultry processors of holding clandestine meetings in South Florida to share information in an effort to keep wages low for hundreds of thousands of workers at their facilities. The three named companies run roughly 200 poultry plants in the U.S., according to the complaint.

In July, the U.S. Department of Justice announced a consent decree and proposed a conditional civil settlement with Cargill, Sanderson Farms and Wayne Farms, among others. The announcement detailed a restitution clause ordering the companies to provide payment through an approved settlement in Hagens Berman's case, or in the alternative, directly to the DOJ.

"This is really the first time that we've ever seen the Department of Justice defer to the civil case to recover money and return it to class members," lead partner Shana Scarlett told Law360. "They're really relying on us to get this money back to class members, which is something we're really happy, excited and proud to do."

A Maryland federal court in September agreed to a settlement in which Cargill will pay \$15 million, Sanderson Farms will pay \$38.3 million and Wayne Farms will pay \$31.5 million to various classes of workers. Additional settlements include \$12 million from defendants Simmons Foods Inc, \$29 million from Pilgrim's Pride Corp., \$5.8 million from George's Inc. and \$3 million with Peco Foods Inc.

"[I'm most proud of the] wage poultry case, where we're uncovering large-scale labor and trust violations that affect people who make a small amount of money to begin with," Berman said. "So if we can help them financially for their hardships, I think that is motivating for us."

Scarlett said the firm remains focused on locating class members and making sure the most workers possible get compensated.

"It's somewhat of a mobile population," Scarlett said. "So making sure that we do our very best to identify class members, get them notice and get that money back to them from existing settlements is a really important part of what I see us doing for the next year."

The firm also hammered out notable wins against a series of powerful tech companies, including a \$90 million **settlement against** Google Play in July over abuse of market power, and a \$95 million **settlement against** Apple Inc. over bogus warranties in October 2021.

"Each of those cases we've gotten a substantial recovery of over 30% to 40% of damages, which is very high for antitrust cases. And I think that's our firm's marker — we don't resolve cases unless we have substantial recovery," Berman said.

Perhaps the firm's biggest case of the year, however, was a **\$485 million settlement** in March against Ranbaxy Pharmaceuticals, ending a multidistrict suit accusing the company of holding monopoly power over antiviral drug Valcyte, high blood pressure drug Diovan and reflux medication Nexium. The suit was led by partners Kristen Johnson, Tom Sobol and Greg Arnold.

"It was a novel application of a racketeering theory to the pharmaceutical industry for a case that did not involve marketing but involved FDA approvals," Johnson told Law360. "It took quite a few years, and it made the case very challenging."

The partners who spoke with Law360 said that 2022 was the first year since the pandemic that work life felt more or less normal, with partners and associates settling into a hybrid work schedule.

"The pandemic was an enormous shift for our firm," Scarlett said. "I feel like 2022 is really when it all came together, and we were able to embrace a hybrid work environment. We were really able to connect with each other in a way that made the year more successful on a

personal basis for a lot of us."

--Editing by Gemma Horowitz.

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